
IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

W. CLARK APOSHIAN,

Plaintiff,

v.

MERRICK GARLAND, Acting Attorney
General of the United States, et al.

Defendants.

Case No. 2:19-cv-00037-JNP

**DEFENDANTS' STATEMENT
PURSUANT TO LOCAL RULE 7-4**

District Judge Jill N. Parrish

Pursuant to DUCivR 7-4(b), in response to Plaintiff W. Clark Aposhian's Complaint, ECF 2, the Federal Defendants deny that the challenged Final Rule, *Bump-Stock-Type Devices*, 83 Fed. Reg. 66,514 (Dep't Justice, Dec. 26, 2018), is arbitrary or capricious, in excess of statutory authority, or otherwise not in accordance with law. Defendants will defend against the claims asserted in the Complaint on the grounds that the challenged Rule complies with the requirements of Articles I and II of the U.S. Constitution; is consistent with the applicable provisions of the National Firearms Act and the Gun Control Act; and satisfies the requirements of the Administrative Procedure Act.

Dated: November 30, 2022

Respectfully submitted,

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

BRIGHAM J. BOWEN
Assistant Branch Director
Federal Programs Branch

/s/ Alexander V. Sverdlov
ALEXANDER V. SVERDLOV (NY Bar
4918793)
Trial Attorney
United States Department of Justice
Civil Division, Federal Programs Branch
1100 L Street, N.W.
Washington, DC 20005
Tel: (202) 305-8550
alexander.v.sverdlov@usdoj.gov

Counsel for Defendants